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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 EXPRESS DIAGNOSTICS INT'L, INC.,)
13 Plaintiff,)
14 v.)
15 BARRY M. TYDING, et al.,)
16 Defendants.)

Case No.: C 06-1346 JW (PVT)

**FURTHER ORDER RE FORM OF
PROTECTIVE ORDER GOVERNING
THE HANDLING OF CONFIDENTIAL
INFORMATION**

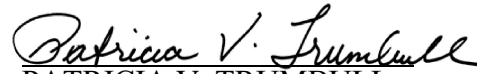
17 AND RELATED CROSS ACTION)
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19 This court previously ordered the parties to submit either a stipulated form of protective
20 order, or else their respective proposed forms of protective order. Only Plaintiff submitted a
21 proposed form of protective order by the date set by the court (*see* Docket No. 154). However, the
22 proposed form that Plaintiff submitted is incomplete in that it does not include the caption and case
23 number for this case on the first page, it does not elect whether or not to include the optional
24 provisions that are set off in brackets, and it does not include the case name and number on lines 7
25 and 8 of Exhibit A to the proposed form of order. Further, because the parties have not stipulated to
26 the form of order, the form of order should not be worded as a stipulation. Therefore,

27 IT IS HEREBY ORDERED that, no later than May 30, 2008, Plaintiff shall e-file a revised
28 proposed form of protective order that corrects the deficiencies noted above.

1 IT IS FURTHER ORDERED that, pending entry of the final form of protective order, the
2 terms of Plaintiff's proposed form of order shall govern, except for the optional provisions. If, prior
3 to entry of the final form of protective order, either party wishes to disclose to its House Counsel or
4 its Experts any information that any other Party has designated "HIGHLY CONFIDENTIAL –
5 ATTORNEYS' EYES ONLY," that party shall first meet and confer with the Designating Party
6 regarding whether the optional provisions shall apply. Absent agreement of the parties or further
7 order of this court, no disclosure of such information to House Counsel or Experts shall occur.

8 Dated: 5/5/08

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10 PATRICIA V. TRUMBULL
11 United States Magistrate Judge
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